

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

October 3, 2005

PRESENT: Tom Cowan, Chairman
Rick Meahl
John Potera
Terry Janicz
John Olaf
Andy Kelkenberg
Don Hoefler
Christine Falkowski, Planning Board Clerk

OTHER: Laura Kelkenberg (PIG student)

The Planning Board meeting was called to order by Tom Cowan at 7:30PM.

One Lot Minor Subdivision – Crego Road

Keith Berghorn

Mr. & Mrs. Berghorn attended the meeting. They wish to split off a 178' x 300' lot from their 21 acre parcel. The minor subdivision law allows one lot to be split off now and then another no sooner than October 2006. Mr. Berghorn feels that his buyer may want to purchase more land in the future, but for now, he feels a major subdivision application is not applicable. Wendel Duchscherer has reviewed the site plan and survey. Their memo of October 3rd states (1) the applicant must provide a cross section (profile) of the proposed swales along the west and east property lines and (2) the applicant must show how the water that drains to the southwest corner of the proposed site drains to the existing ditch that runs east-west and bisects the larger 21-acre parcel. The applicant should consider installing a drainage swale to the existing ditch. Wendel's memo will be provided to the buyer who plans to build a home. Andy made a motion to approve the subdivision, with the condition that items #1 and #2 be provided prior to building, seconded by Rick:

Tom Cowan	- Aye
Terry Janicz	- Aye
John Olaf	- Aye
Rick Meahl	- Aye
John Potera	- Aye
Don Hoefler	- Aye
Andy Kelkenberg	- Aye

One Lot Minor Subdivision – McNeeley Road

James I. Young, Jr.

Jim Young and Mrs. McGreary (buyer) attended the meeting. Mr. Young wishes to split off a 6-acre lot from his 23-acre parcel on the south side of McNeeley Road. The proposed lot is adjacent to Karen Jozwiak's property which has a history of flooding. The Town of Newstead put in a 12-inch cross culvert pipe on west line of proposed lot in an effort to alleviate Mrs. Jozwiak's flooding. The flooding is now minimized, though not 100% controlled. Wendel Duchscherer has reviewed the proposed subdivision. Their memo of October 3rd states that they reviewed with the applicant the information needed for Wendel to complete a review of Mr. Young's proposed site drainage plan. Wendel will offer comments to the Building Department once Mr. Young has submitted the plan for their review. Due to flooding immediately downstream of the proposed subdivision, Wendel is requiring the applicant to demonstrate that the proposed development will not adversely impact downstream drainage.

Andrew Casolini, Town Engineer, and Dale Kruschke, Highway Superintendent, entered the meeting and asked the following: Is the pipe at capacity? How will more home sites impact the area drainage? Will this subdivision approval allow more flooding to occur? New homes should not increase peak runoff and impact infrastructure. The agenda item is tabled until the information requested on a drainage plan is received and reviewed by Wendel Duchscherer.

One Lot Minor Subdivision – Moore Road**Karen Stanley**

Mrs. Stanley attended the meeting. At the September 12th meeting, her subdivision request was tabled until she could provide a drainage plan. She submitted a drainage plan on September 28th. Wendel Duchscherer reviewed the application, consulted the Highway Superintendent, and conducted a site visit on September 30th and offers the following: (1) Wendel requests that the applicant furnish the Town of Newstead with a 40 foot drainage easement 40 feet south of the south property line. (2) The proposed lot appears to be within the 100 year floodplain of Tonawanda Creek. Prior to any development, future applicant must demonstrate that this lot is suitable for building and will be required to supply a detailed drainage plan for the building site. Don made a motion to approve the subdivision with the condition that the drainage easement be provided to the Town of Newstead, seconded by John Olaf:

Tom Cowan	- Aye
Terry Janicz	- Aye
John Olaf	- Aye
Rick Meahl	- Aye
John Potera	- Nay
Don Hoefler	- Aye
Andy Kelkenberg	- Aye

One Lot Minor Subdivision – 11950 Stage Road**Eileen Wargo**

The Wargo's owned a 39.9 acre parcel with frontage on Main Road and on Stage Road. NYSEG owns the 55 acre parcel between Wargo's and Havens Road. Wargo's have an address of 5055 Havens Road for their business with an easement across NYSEG's property. They have built a home on 2+ acres at 11950 Stage Road, but never followed through with the subdivision application. They are doing so now. Per the Building Inspector, there are swales along the east and west property lines. Also, there are no drainage issues as the area is all bedrock. The Planning Board agrees with this. Andy made a motion to approve this subdivision, seconded by John Olaf:

Tom Cowan	- Aye
Terry Janicz	- Aye
John Olaf	- Aye
Rick Meahl	- Aye
John Potera	- Nay
Don Hoefler	- Aye
Andy Kelkenberg	- Aye

Change in Use – Storage to Restoration – 11520 Main Road**John N. Smith**

Mr. Smith has a variance for the front half of one of his storage buildings for his tenant to have five fenced-in cars. The tenant has turned out to be a poor one. He now has a new tenant who wants to use the entire building as a restoration shop instead of storage. Is this a change in use? All uses would be in or behind the building, the fence will stay up, and there will be no more outdoor storage than permitted. Mr. Smith will need to check with the Town for new sign parameters and provide the Town with an amended site plan for this building. Christine will send him a letter.

Minutes Review – John Olaf motioned to approve the minutes of September 12, 2005, seconded by Rick:

Tom Cowan	- Aye
Terry Janicz	- Aye
John Olaf	- Aye
Rick Meahl	- Aye
John Potera	- Aye
Don Hoefler	- Aye
Andy Kelkenberg	-Aye

Route 5 Overlay Zone – Checklist

A collective session with the Town Board is needed. Wendel’s September 13, 2004 memo and map will be included in next meeting’s packet.

Special Use Permits in RA Zone for Home Based Businesses

The April 4th memo of recommendations went to the Town Board.

Robert L. George of Triple G Service, 12056 Buckwheat Road, submitted a written request tonight to have his special use permit become permanent instead of annually renewed. This item will be placed on the October 17th agenda.

Tom will be on vacation in November, which will require some kind of change in the usual meeting dates. Also, we should start thinking about a Co-Chairman of the Planning Board.

- Next Agenda deadline:** Friday, October 7, 2005
- Next Agenda meeting:** Thursday, October 13, 2005
- Next PB meeting:** Monday, October 17, 2005

John P. made a motion to adjourn the meeting at 9:25PM, seconded by John O. and all approved.

Respectfully submitted,

Christine Falkowski,
Recording Secretary